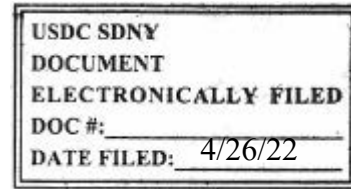


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Mehmet Emre Ergin,

Plaintiff,

—v—

8th Hill Inc., et al.,

Defendants.

20-cv-4594 (AJN) (GWG)

AMENDED ORDER

ALISON J. NATHAN, Circuit Judge, sitting by designation:

On September 20, 2021, the Court granted the Plaintiff’s motion for default judgment on his wage-and-hour claims against all three Defendants. Dkt. No. 40. But because the Court could not ascertain the Plaintiff’s damages with reasonable certainty, the Court referred the matter to the Honorable Gabriel W. Gorenstein for an inquest to ascertain damages and to resolve the plaintiff’s request for attorneys’ fees and costs. Dkt. No. 41. On April 6, 2022, Judge Gorenstein issued an amended Report & Recommendation that recommended the Plaintiff be awarded \$26,605.72 in unpaid wages, liquidated damages, and statutory damages, as well as prejudgment interest on the amount of unpaid wages; \$6,195 in attorneys’ fees; and \$400 in costs. Dkt. No. 50.<sup>1</sup>

When considering the findings and recommendations of a Magistrate Judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when

<sup>1</sup> Judge Gorenstein issued an initial R&R on March 18, 2022. Dkt. No. 46. The amended R&R accounts for the Plaintiff’s sworn affidavit supporting the request for attorneys’ fees. See Dkt. Nos. 47, 49.

there are no timely objections to the Report & Recommendation. *Banks v. Comm’r of Soc. Sec.*, No. 19-cv-929 (AJN) (SDA), 2020 WL 2765686, at \*1 (S.D.N.Y. May 27, 2020); *see also Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at \*1 (S.D.N.Y. Mar. 25, 2015); *Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at \*1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only if, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-cv-8265 (DAB) (MHD), 2013 WL 5405468, at \*2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

As of this date, no objection to the R&R has been filed, and the deadline for objections has passed. Thus, the Court reviews the R&R for clear error, and it finds none.

The Court therefore adopts the R&R in its entirety and awards the Plaintiff damages, fees, and costs, calculated in the R&R to be a total of \$33,200.72, as well as pre-judgment interest on the unpaid wages. The Court further orders post-judgment interest as mandated by 28 U.S.C. § 1961. The Court orders that judgment be entered in favor of Plaintiff and against the Defendants in the amount of:

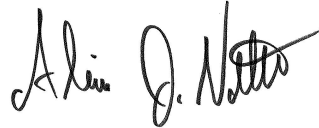
1. \$26,605.72, consisting of unpaid wages, liquidated damages, and statutory damages;
2. Prejudgment interest on the amount of unpaid wages that accrues at the rate of \$2.05 per day from November 25, 2019, until the date judgment is entered;
3. \$6,195, in attorneys’ fees;
4. \$400 in litigation costs;
5. If the judgment is not entirely paid within 90 days of judgment, or 90 days after the expiration of appeal, whichever is later, and no appeal is pending, then the total amount of judgment shall automatically increase by 15 percent; and
6. After the date that judgment is entered, post-judgment interest shall accrue at the rate set by 28 U.S.C. § 1961.

The Plaintiff is ordered to serve this Order on the Defendants by April 29, 2022, and file proof of service on the public docket by May 4, 2022.

The Clerk of Court is respectfully directed to enter judgment in accordance with the R&R and close this case.

SO ORDERED.

Dated: April 26, 2022  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

ALISON J. NATHAN  
United States Circuit Judge  
Sitting by designation